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THE FARRELL LAW FIRM, P.C. 290 Broadhollow Road Suite 210E Melville, NY 11747				NGUYEN BA, HOANG VU A		
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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* DAE-HEON KWON, YANG-MUK KANG, and  
WON-SEOK KANG

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Appeal 2009-014488  
Application 09/467,210  
Technology Center 2400

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Before KRISTEN L. DROESCH, JEFFREY S. SMITH, and  
JASON V. MORGAN, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

DECISION ON APPEAL

## STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-3. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

### *Invention*

Appellants' invention relates to a TV phone in which a television and a portable cellular phone are integrally combined. Abstract.

### *Representative Claim*

1. A TV phone in which a television and a portable cellular phone are integrally combined, the TV phone comprising:

first, second and third call alarm modes;

a TV module for receiving and demodulating a desired TV channel signal among radio-frequency electromagnetic signals received in response to an input of a tuning signal, when the TV module operates by supply of a power supply voltage, to generate a composite video signal, a composite synchronizing signal and a composite audio signal;

a Mobile Station Radio Frequency Unit (MRFU) for demodulating a signal indicative of an incoming call received through a forward channel, forming an audio conversion channel among the received radio-frequency electromagnetic signals to output the demodulated signal, and modulating and transmitting a signal in a reverse channel;

a TV control section for supplying the tuning signal corresponding to a channel selection command signal to the TV module, synchronizing On Screen Display (OSD) data corresponding to display control data and display data with the composite synchronizing signal to output the synchronized signal as a video signal;

a Mobile Station Processor (MSP) for establishing a phone or TV mode in response to an input command, generating the channel selection

command signal stored in a predetermined memory area by setting the TV mode, and generating an alarm signaling a reception of the incoming call output from the MRFU according to at least one of the first, the second, and the third incoming call alarm modes,

wherein the first incoming call alarm mode comprises interrupting a power supply voltage supplied to the TV module and automatically switching from the TV mode to the phone mode, the second incoming call alarm mode comprises switching off and on, at a predetermined interval, the audio signal output from the TV module, and the third incoming call alarm mode comprises displaying one of an incoming call character message and a preset graphic message, at a specific region or an entire portion of the TV image viewing screen in accordance with controlling the TV control unit, and processing audio data output from the MRFU to output the processed audio data signal while supplying audio data to the MRFU; and

a display unit for synchronizing the composite video signal from the TV module and the video signal from the TV control section with the composite synchronizing signal and displaying the synchronized composite video signal and the video signal on an image viewing screen.

*Prior Art*

Zato	US 4,464,902	Aug. 14, 1984
Porco	US 4,873,712	Oct. 10, 1989
Tsukamoto	US 5,005,013	Apr. 2, 1991
Reyes	US 5,835,578	Nov. 10, 1998
Lagoni	US 6,141,058	Oct. 31, 2000
Kikinis	US 6,243,596 B1	Jun. 5, 2001

*Examiner's Rejections*

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikinis, Tsukamoto, Lagoni, Porco, Zato, and Reyes.

*Claim Groupings*

Based on Appellants' arguments in the Appeal Brief, we will decide the Appeal on the basis of claim 1.

## ISSUE

Does the combination of Kikinis, Tsukamoto, Lagoni, Porco, Zato, and Reyes teach a “first incoming call alarm mode comprises interrupting a power supply voltage supplied to the TV module and automatically switching from the TV mode to the phone mode” and a “second incoming call alarm mode comprises switching off and on, at a predetermined interval” as recited in claim 1?

## ANALYSIS

Appellants contend that Porco teaches interrupting the power supply to an audio system when sending or receiving telephone calls. App. Br. 11-12. According to Appellants, Porco does not teach automatically switching from a TV mode to a phone mode. *Id.*; Reply Br. 2. The Examiner finds that the system of Porco has an audio mode and a phone mode. The Examiner also finds that Porco automatically interrupts power to the audio and automatically switches to phone mode whenever a call is received or made. Ans. 11. Appellants have not provided evidence or persuasive argument to rebut the Examiner’s findings.

Appellants contend that neither Zato nor Reyes teaches a second incoming call alarm mode switching off and on, at a predetermined interval, an audio signal output from a TV module. App. Br. 12-13; Reply Br. 2-3. According to Appellants, the output of an additional audible tone is not and cannot be equated with switching off and on, at a predetermined interval, an audio signal output from a TV module. Reply Br. 2-3. The Examiner finds that Zato teaches a television and phone system that switches on and off an audio signal output from the TV module to indicate incoming calls. The Examiner also finds that Reyes teaches a system that switches on and off an

audio signal output from the TV module to indicate incoming calls. Ans. 11-12. Appellants have not provided evidence or persuasive argument to rebut the Examiner's findings.

#### CONCLUSION

The combination of Kikinis, Tsukamoto, Lagoni, Porco, Zato, and Reyes teaches a "first incoming call alarm mode comprises interrupting a power supply voltage supplied to the TV module and automatically switching from the TV mode to the phone mode" and a "second incoming call alarm mode comprises switching off and on, at a predetermined interval" as recited in claim 1.

#### DECISION

The rejection of claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikinis, Tsukamoto, Lagoni, Porco, Zato, and Reyes is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED

gvw